

UNITED STATES PATENT AND TRADEMARK OFFICE

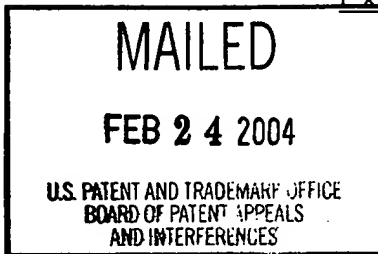
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN H. BURTON and TIMOTHY C. COOK

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Application No. 09/477,977

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received by the Board of Patent Appeals and Interferences (BPAI) on February 5, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

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Appellants filed three Information Disclosure Statement (IDS): the first on May 1, 2000 (cert. of mailing date April 26, 2000), (Paper No. 5), the second on January 14, 2002 (cert. of mail date January 2, 2002) , (Paper No. 8), and the third on March 12, 2002 (cert. of mail date February 28, 2002), (Paper No. 11). Although all of the IDS in the PTO file have been signed, initialed and date considered by the Examiner, there is no indication in any subsequent action by the examiner notifying appellants of such consideration. Each submission of these IDS contain a statement by appellants requesting that a copy of the IDS, showing that they have been considered by the examiner, be returned to them. Additionally, on page 8 of the paper filed August 5, 2002 (Paper No. 12) under the heading "*Supplemental Information Disclosure Statements*", Appellants "respectfully request" copies of each of the IDS filed January 2, 2002 (paper no. 8) and February 28, 2002 (Paper No. 11).

In the interest of time, a call was made by the BPAI to Mr. Timothy Bianchi (attorney of record) to verify the receipt or non receipt of the documents in question. As a result, we were notified by Mr. Bianchi's office that a copy of the documents **have not** been received by them.

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Accordingly, it is

ORDERED that the application is returned to the Examiner to

(a) notify appellants of consideration of the IDS(s) of Papers Nos. 5, 8

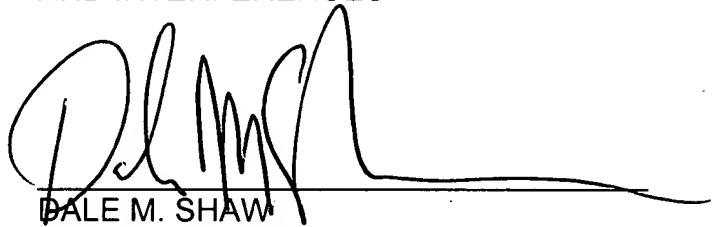
and 11 with a copy of the considered IDS(s) attached and

(b) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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